

**Rule 111. Scheduling of Cases****Rule 111.01 Scope**

The purpose of this rule is to provide a uniform system for scheduling matters for disposition and trial in civil cases, excluding only the following:

- (a) Conciliation court actions and conciliation court appeals where no jury trial is demanded;
- (b) Family court matters governed by Minn. Gen. R. Prac. 301 through 379;
- (c) Public assistance appeals under Minnesota Statutes, section 256.045, subdivision 7;
- (d) Unlawful detainer actions pursuant to Minnesota Statutes, sections 504B.281, et seq.;
- (e) Implied consent proceedings pursuant to Minnesota Statutes, section 169.123;
- (f) Juvenile court proceedings;
- (g) Civil commitment proceedings subject to the Special Rules of Procedure Governing Proceedings Under the Minnesota Commitment Act of 1982;
- (h) Probate court proceedings;
- (i) Periodic trust accountings pursuant to Minn. Gen. R. Prac. 417;
- (j) Proceedings under Minnesota Statutes, section 609.748, relating to harassment restraining orders;
- (k) Proceedings for registration of land titles pursuant to Minnesota Statutes, chapter 508;
- (l) Election contests pursuant to Minnesota Statutes, chapter 209;
- (m) Applications to compel or stay arbitration under Minnesota Statutes, chapter 572;
- (n) consumer credit contract actions (see Case Type 3A, Minn. R. Civ. P. Form 23); and
- (o) mechanics' lien actions.

The court may invoke the procedures of this rule in any action where not otherwise required.

(Amended effective January 1, 1993; amended effective January 1, 1994; amended effective January 1, 2000; amended effective September 5, 2001; amended effective January 1, 2010.)

***Advisory Committee Comment - 1999 Amendment***

*Rule 111.01(d) is amended in 1999 to reflect the fact that Minnesota Statutes, sections 566.01, et seq. were replaced by section 504B.281. This change is not intended to have any substantive effect other than to correct the statutory reference.*

***Advisory Committee Comment - 2009 Amendment***

*Rule 111.01 is amended to exempt consumer credit contract actions and mechanics' lien actions from the case scheduling regime generally followed in civil proceedings. These changes are made because these cases are required to be filed but are often either not ready for case scheduling or are unlikely ever to require it. "Consumer credit contract actions" refer to those cases properly carrying the case type identifier "3A. Consumer Credit Contracts," which as specified in Minn. R. Civ. P. Form 23 requires three things: (1) that the plaintiff is a corporation or other business organization, not an individual; (2) that the defendant is an individual; and (3) that the contract amount does not exceed \$20,000.*

**Rule 111.02 The Party's Scheduling Input**

The parties may submit scheduling information to the court as part of the civil cover sheet as provided in Rule 104 of these rules.

(Amended effective July 1, 1994, and shall supersede Second Judicial District Local Rules 5 and 25 and Fourth Judicial District Local Rule 5 to the extent inconsistent therewith; amended effective July 1, 2013.)

**Rule 111.03 Scheduling Order**

**(a) When issued.** No sooner than the due date of the last civil cover sheet under Rule 104, and no longer than 90 days after an action has been filed, the court shall enter its scheduling order. The court may issue the order after either a telephone or in-court conference, or without a conference or hearing if none is needed.

**(b) Contents.** The scheduling order shall provide for alternative dispute resolution as required by Rule 114.04(c) and shall establish a date for the completion of discovery. The order may also establish any of the following:

- (1) Deadlines for joining additional parties, whether by amendment or third-party practice;
- (2) Deadlines for bringing nondispositive or dispositive motions;
- (3) Deadlines or specific dates for submitting particular issues to the court for consideration;
- (4) A deadline for completing any independent physical, mental or blood examination pursuant to Minn. R. Civ. P. 35;
- (5) A date for a formal discovery conference pursuant to Minn. R. Civ. P. 26.06, a pretrial conference or conferences pursuant to Minn. R. Civ. P. 16, or a further scheduling conference.
- (6) Deadlines for filing any pretrial submissions, including proposed instructions, verdicts, or findings of fact, witness lists, exhibits lists, statements of the case or any similar documents;
- (7) Whether the case is a jury trial, or court trial if a jury has been waived by all parties;
- (8) Identification of interpreter services (specifying language and, if known, particular dialect) any party anticipates will be required for any witness or party;
- (9) A date for submission of a Joint Statement of the Case pursuant to Minn. Gen. R. Prac. 112; or
- (10) A trial date.

(Amended effective July 1, 1994, and shall supersede Second Judicial District Local Rules 5 and 25 and Fourth Judicial District Local Rule 5 to the extent inconsistent therewith; amended effective March 1, 2009; amended effective July 1, 2013.)

***Advisory Committee Comment - 2008 Amendment***

*Rules 111.02(l) and 111.03(b)(8) are new provisions, adopted as part of amendments designed to foster earlier gathering of information about the potential need for interpreter services in a case, either for witnesses or for a party. See Minn. Gen. R. Prac. 8.13.*

**Rule 111.04 Amendment**

A scheduling order pursuant to this rule may be amended at a pretrial conference or upon motion for good cause shown. Except in unusual circumstances, a motion to extend deadlines under a

scheduling order shall be made before the expiration of the deadline. The court may issue more than one scheduling order.

**Cross Reference:** Minn. R. Civ. P. 16, 26.06, 35, 36, 38; Minn. Civ. Trialbook, section 5.

### **Rule 111.05 Collaborative Law**

**(a) Collaborative Law Defined.** Collaborative law is a process in which parties and their respective trained collaborative lawyers and other professionals contract in writing to resolve disputes without seeking court action other than approval of a stipulated settlement. The process may include the use of neutrals as defined in Rule 114.02(b), depending on the circumstances of the particular case. If the collaborative process ends without a stipulated agreement, the collaborative lawyers must withdraw from further representation.

**(b) Deferral from Scheduling.** Where the parties to an action request deferral in a form substantially similar to Form 111.03 and the court has agreed to attempt to resolve the action using a collaborative law process, the court shall defer setting any deadlines for the period specified in the order approving deferral.

**(c) Additional ADR following Collaborative Law.** When a case has been deferred pursuant to subdivision (b) of this rule and is reinstated on the calendar with new counsel or a collaborative law process has resulted in withdrawal of counsel prior to the filing of the case, the court should not ordinarily order the parties to engage in further ADR proceedings without the agreement of the parties.

(Added effective January 1, 2008.)

#### ***Advisory Committee Comment - 1994 Amendment***

*This rule is new. This rule is intended to establish a uniform, mandatory practice of dealing with scheduling in every case by some court action. The rule does not establish, however, a single means of complying with the scheduling requirement nor does it set any rigid or uniform schedules. In certain instances, other rules establish the event giving rise to the requirement that the scheduling procedures be followed. See, e.g., Rule 141 (condemnation scheduling triggered by appeal of commissioner's award); 144.01 (wrongful death scheduling triggered by filing paper in wrongful death action, not proceedings for appointment of trustee). Because applications to compel or stay arbitrations are, by statute, authorized to be handled by the District Court in a summary matter and without the commencement of a separate action, it is appropriate that they be exempted from the formal case scheduling requirements of Rule 111.*

*Although the rule allows parties to submit scheduling information separately, this information may also be submitted jointly and required to be submitted jointly. In many cases, the efficient handling of the case may be fostered by the parties meeting to discuss scheduling issues and submitting a joint statement.*

*The rule contemplates establishment of a separate deadline for completion of an independent medical examination because the Task Force believes that it is frequently desirable to allow such an examination to take place after the conclusion of other discovery. The rule does not create any specific schedule for independent medical examinations, but allows, and encourages, the court to consider this question separately. The timing of these examinations is best not handled by rigid schedule, but rather, by the exercise of judgment on the part of the trial judge based upon the views of the lawyers, any medical information bearing on timing and the status of other discovery, as well as the specific factors set forth in Minn. R. Civ. P. 35. The Task Force considered a new rule expressly to exempt the use of requests for admissions pursuant to Minn. R. Civ. P. 36 from discovery*

*completion deadlines in the ordinary case. The Task Force determined that a separate rule exempting requests for admissions from discovery deadlines in all cases was not necessary, but encourages use of extended deadlines for requests for admissions in most cases. The primary function served by these requests is not discovery, but the narrowing of issues, and their use is often most valuable at the close of discovery. See R. Haydock & D. Herr, Discovery Practice section 7.2 (2d ed. 1988). Because requests for admissions serve an important purpose of narrowing the issues for trial and resolving evidentiary issues relating to trial, it is often desirable to allow use of these requests after the close of other discovery.*

***Advisory Committee Comment - 2007 Amendment***

*Rule 111.05 is a new rule to provide for the use of collaborative law processes in matters that would otherwise be in the court system. Collaborative law is a process that attempts to resolve disputes outside the court system. Where court approval or entry of a court document is necessary, such as for minor settlements or entry of a decree of marriage dissolution, the court's role may be limited to that essential task. Collaborative law is defined in Rule 111.05(a). The primary distinguishing characteristic of this process is the retention of lawyers for the parties, with the lawyers' and the parties' written agreement that if the collaborative law process is not successful and litigation ensues, each lawyer will withdraw from representing the client in the litigation.*

*Despite not being court-based, the committee believes the good faith use of collaborative law processes by the parties should be accommodated by the court in two ways. First, as provided in new Rule 111.05(b), the parties should be able to request deferral from scheduling for a duration to be determined appropriate by the parties. This can be accomplished through the use of new Form 111.03 or similar submission providing substantially the same information. Second, if the parties have obtained deferral from scheduling for a collaborative law process that proves unsuccessful, the action should not normally or automatically be ordered into another ADR process. The rule intentionally does not bar a second ADR process, as there may be cases where the court fairly views that such an effort may be worthwhile. These provisions for deferral and presumed exemption from a second ADR process are also made expressly applicable to family law matters by a new Rule 304.05.*